

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

TIMOTHY KENNEDY,

Plaintiff,

V.

SUMMONS IN A CIVIL CASE

CASE NUMBER: 07 CV 10622(NRB)(DFE)

THE CITY OF NEW YORK; N.Y.P.D. OFFICER
JUAN RODRIGUEZ, badge 10703; N.Y.P.D.
OFFICER JEFFREY HUNOLD, badge 8378;
N.Y.P.D. SGT. JOSEPH PERAGALLO, 20th Pct.
N.Y.P.D. OFFICERS DOE ONE TO FIVE, not

TO: (Name and address of defendant)

City of New York
NYC Law Department
100 Church Street
New York, NY 10007

P.O. Juan Rodriguez (#10703) and Sgt. Joseph Peragallo
NYPD 20th Precinct
120 W. 82nd St.
New York, NY 10024

P.O. Jeffrey Hunold (#8378)
NYPD 20th Precinct
120 W. 82nd St.
NY NY 10024

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

George Wachtel
Law Office of Ronald L. Kuby
119 West 23rd Street, Suite 900
New York, NY 10011

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 17 2008

CLERK

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY KENNEDY,

Index No. : 07 CV 10622(NRB)(DFE)

Plaintiff,

AFFIDAVIT OF SERVICE

-v-

THE CITY OF NEW YORK, N.Y.P.D. OFFICER
JUAN RODRIGUEZ, badge 10703; N.Y.P.D.
OFFICER JEFFREY HUNOLD, badge 8378;
N.Y.P.D. SGT. JOSEPH PERAGALLO, 20th
Pct. N.Y.P.D. OFFICERS DOE ONE TO FIVE,
not yet identified,

Defendants.

State of New York)
) ss.:
County of New York)


Luis R. Ayala, being duly sworn, deposes and says that the deponent is not a party to this action, is over the age of eighteen years, is an independent process server (New York state license number 1024905), and resides in the State of New Jersey:

(1) That on the 17th day of April 2008 at 5:14 p.m. deponent served a Summons and Amended Complaint in the above-captioned matter upon the City of New York at the Office of Corporation Counsel, 100 Church St., New York, NY 10007. The documents were accepted and stamped by Madelyn Santana, #9 docketing clerk.

(2) That on the 17th day of April 2008 at 6:50 p.m. deponent served a Summons and Amended Complaint in the above-captioned matter upon defendants Rodriguez, Peragallo and Hunold at their place of employment, NYPD 20th Precinct, 120 West 82nd St., New York, NY 10024. The three sets of documents were accepted by P.O. Toumanidis (#6739). P.O.

Toumanidis is a white male, approximately 25 years old, 190 pounds, 5'8" tall with black hair.

(3) That on the 22nd day of April 2008, deponent mailed a true copy of the Summons and Amended Complaint to each defendant at the same address where they were served. Each envelope was marked "Personal and Confidential" and without any indication that communication was from an attorney or concerned any action against the individual. The envelopes were placed in a U.S. mailbox at the post office located at 6th Ave. and 23rd Street, New York, NY 10011.



Luis R. Ayala
158 Carteret St., Glen Ridge, NJ 07028

Sworn to and Subscribed Before Me
the 28th day of May 2008



Notary Public

SUSAN C. BAILEY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BA6121503
Qualified in New York County
Commission Expires January 18, 2009